

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

*In re Former Employees of Washington Mutual Bank v. FDIC as Receiver for Washington Mutual Bank, et al.*

Master File No. C09-0504 RAJ

**NOTICE REGARDING FOURTH  
AMENDED COMPLAINT IN CONWAY, et  
al. v. FEDERAL DEPOSIT INSURANCE  
CORPORATION, AS RECEIVER FOR  
WASHINGTON MUTUAL BANK, et al.,  
CASE NO. C09-0781**

**TO:** THE COURT

**AND TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD**

Pursuant to FED. R. CIV. P. 15(a)(2), Federal Deposit Insurance Corporation, as Receiver for Washington Mutual Bank (the “Receiver”), and Federal Deposit Insurance Corporation in its corporate capacity (“FDIC Corporate”) consent to the filing of plaintiffs’ Fourth Amended Complaint in *Conway, et al. v. Federal Deposit Insurance Corporation, as Receiver for Washington Mutual Bank, et al.*, Case No. C09-0781 (the “Fourth Amended Complaint”).

The Fourth Amended Complaint solely adds new named plaintiffs to the *Conway*

**NOTICE REGARDING FOURTH AMENDED  
COMPLAINT IN CASE NO. C09-0781 - 1**

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1 lawsuit (the “New Named Plaintiffs”).<sup>1</sup> The New Named Plaintiffs’ claims arise out of and are  
2 based upon employment contracts with the former Washington Mutual Bank that are materially  
3 identical to the employment contracts upon which pre-existing plaintiffs in this consolidated  
4 lawsuit base their claims. Thus, the parties have stipulated and agreed that the Fourth  
5 Amended Complaint does not impact the Receiver’s pending Motion Pursuant To FRCP  
6 12(b)(6) And For Judgment On The Pleadings Pursuant To FRCP 12(c) To Dismiss All Claims  
7 Against Defendant Federal Deposit Insurance Corporation, As Receiver For Washington  
8 Mutual Bank (Dkt. #26; the “Receiver’s Motion to Dismiss”) or FDIC Corporate’s pending  
9 Motion to Dismiss (Dkt. #20; “FDIC Corporate’s Motion to Dismiss”). Plaintiffs agree that the  
10 New Named Plaintiffs’ claims in the Fourth Amended Complaint are subject to the arguments  
11 for dismissal made in the Receiver’s Motion to Dismiss and in FDIC Corporate’s Motion to  
12 Dismiss. Thus, the parties stipulate and agree that the Court should apply the arguments made  
13 in the Receiver’s Motion to Dismiss and FDIC Corporate’s Motion to Dismiss with equal force  
14 and effect to the allegations made by the New Named Plaintiffs in the Fourth Amended  
15 Complaint.

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<sup>1</sup> The New Named Plaintiffs subject to this Notice are: Elizabeth Pepper, Ronald J. Woodlock, and Marc K. Malone.

1 Dated this 13th day of November, 2009.  
2

3 /s/ Roger Townsend (with permission)

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19 /s/ Larry Goodman (with permission)

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23 *Attorney for Federal Deposit Insurance Corporation in  
its Corporate Capacity*

## **CERTIFICATE OF SERVICE**

I hereby certify that on November 13, 2009, I caused to be electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorneys of record for the parties.

In addition, I caused the foregoing to be served by U.S. Mail and e-mail on *pro se* plaintiff Michael F. Day at the following addresses:

Michael F. Day  
60 Monterey Drive  
Tiburon, CA 94920  
*Michael.forest.day@gmail.com*

Dated this 13th day of November, 2009.

/s/ Catherine Borden  
Catherine R. Borden

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